

**IN THE 16TH JUDICIAL CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

JAMES COBBINS,

Plaintiff,

v.

**DOLGENCORP, LLC, d/b/a DOLLAR
GENERAL STORE #17779**

Registered Agent:

CSC-Lawyers Incorporating Service Company

221 Bolivar St.

Jefferson City, MO 65101

Defendant.

Cause No. _____

PETITION FOR DAMAGES

Plaintiff James Cobbins, by and through his counsel of record, hereby submits Plaintiff's Petition for Damages against Defendant Dolgencorp, LLC, d/b/a Dollar General Store #17779, and in support of his causes of action, states the following:

PARTIES AND VENUE

1. Plaintiff James Cobbins (hereinafter "Plaintiff") is an individual and resident of Raytown, Jackson County, Missouri.

2. Defendant Dolgencorp, LLC, d/b/a Dollar General Store #17779 (hereinafter "Defendant"), is a foreign limited liability corporation that, upon information and belief, is transacting business in the State of Missouri at 9109 E. 63rd Street, Raytown, Missouri 64133. Defendant may be served through its registered agent, CSC-Lawyers Incorporating Service Company, at 221 Bolivar Street, Jefferson City, MO 65101.

3. Jurisdiction and venue are proper in this Court as the incident, injuries, and occurrences that are the subject of this matter occurred in Raytown, Jackson County, Missouri.

FACTS COMMON TO ALL COUNTS

4. Plaintiff hereby incorporates by reference all of the preceding allegations of the Petition as if fully set forth herein.

5. On or about January 2, 2021, at approximately 5:00p.m., Plaintiff went to Defendant's premises, Dollar General Store #17779, located at 9109 E. 63rd Street, Raytown, Missouri 64133.

6. Plaintiff exited his vehicle and began walking towards the entrance of Defendant's store.

7. As Plaintiff was walking towards the entrance, he slipped on the icy sidewalk in front of the store, causing him to fall (hereinafter, the "Incident").

8. There were no warning signs in the area advising of icy conditions, and no salt or other material had been laid down in the area to mitigate the icy conditions present.

COUNT I
(Negligence of Defendant Dolgencorp, LLC)

9. Plaintiff hereby incorporates by reference all preceding allegations of the Petition as if fully set forth herein.

10. At all times relevant herein, upon information and belief, Defendant was the owner of the Dollar General Store #17779 property and/or premises located at 9109 E. 63rd Street, Raytown, Missouri 64133, and/or had control of the subject area and maintenance of the area where the Incident occurred.

11. Defendant owed a duty to exercise reasonable care in the maintenance and care of its property and premises, and to provide reasonably safe sidewalk conditions for its guests and customers so as not to cause injury or damage to Plaintiff.

12. Defendant knew or should have known through the exercise of reasonable care that the sidewalk area at the time of the Incident was in an unreasonably dangerous condition at the time of the Incident.

13. The unreasonably dangerous condition of the sidewalk where Plaintiff fell created a reasonably foreseeable risk of harm to patrons and customers walking in said area.

14. Defendant breached its duty to Plaintiff by failing to keep its sidewalk, where it knew guests and customers would be walking, in a condition that was reasonably safe at the time of the Incident, and by failing to remedy or warn of the unreasonably dangerous condition that caused Plaintiff's injury.

15. Defendant's negligent conduct included, but was not limited to, the following:

- i. Failing to adequately inspect the sidewalk in front of the store to ensure its safety;
- ii. Failing to adequately maintain the sidewalk in front of the store to ensure its safety;
- iii. Failing to adequately warn of the unreasonably dangerous condition on the sidewalk;
- iv. Failing to adequately treat or remedy the unreasonably dangerous condition of the sidewalk;
- v. Failing to take adequate measures to ensure snow and ice was appropriately addressed or removed at the premises within a reasonable period of time following the last precipitation that fell prior to the Incident; and,
- vi. Such other acts and omissions of negligence as will be determined through discovery.

16. Defendant's negligence was the sole and proximate cause of the Incident.

17. As a direct and proximate result of the Defendant's negligence, Plaintiff sustained injuries, including but not limited to, injuries to his back, neck, and radicular symptoms, or numbness and tingling, going into his legs, and has sustained the following damages, all in excess of \$25,000.00:

- i. Past medical expenses;
- ii. Future medical expenses;
- iii. Out of pocket expenses; and,
- iv. Past and future physical and mental pain and suffering.

WHEREFORE, Plaintiff prays for judgment against Defendant Dolgencorp, LLC, d/b/a Dollar General Store #17779 for Count I of the Petition for Damages in an amount in excess of \$25,000.00, and for costs, for post-judgment interest, and for such other relief as the Court finds just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury to all Counts of Plaintiff's Petition.

Respectfully submitted,

DICKERSON OXTON, LLC

/s/ Kahlie M. Hoffman

Kahlie M. Hoffman

MO# 67365

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ATTORNEYS FOR PLAINTIFF

DOLLAR GENERAL

CUSTOMER INCIDENT

Today's Date: 1-4-20 Store#/Address: 0109 EAST 6320 STREET
Customer Name: JAMES COBINS Social Security #: _____
Home Address: 5537 HUNTER TERRECE
City: RAYTOWN State: MO. Zip: 64133 Phone#: (816) 718-0736
Date Of Birth: _____
Store Manager Name: ANGEL GOODMAN Store Mgr Work Phone: (816) 246-5355
District Manager Name: NATE District Mgr Work Phone: (615) 440-8735

Date of Incident: _____ Time of Incident _____ ☐ AM ☐ PM Day of Week: _____
Date/Time Reported: _____ ☐ AM ☐ PM Name of Manager _____
Reported To: _____

CUSTOMER COPY

A Claim Representative will contact you regarding your incident.

If you have any questions, please contact Dollar General Risk Management at:

1-800-456-9446

DOLLAR GENERAL

CUSTOMER INCIDENT REPORT

Scan & Send incident forms via STOREnet to Risk Management immediately

Today's Date: 1/4/2020 Store#/Address: 9109 6320 STREET
Customer Name: JAMES COBINS Social Security #: _____
Home Address: 5537 HUNTER TERRECE
City: Raytown State: MO. Zip: 64133
Date Of Birth: _____ Phone: (816) 718-0736
Store Manager Name: ANGEL GOODMAN Store Mgr Work Phone: 816-237-5355
District Manager Name: NATE District Mgr Work Phone: 615-440-8135

Date of Incident: 1/2/20 Time of Incident: 800 PM ☐ AM ☒ PM Day of Week: SAT
Date/Time Reported: _____ ☐ AM ☐ PM Name of Manager Reported To: ANGEL GOODMAN

STORE COPY

Scan & Send incident forms via STOREnet to Risk Management immediately

Describe the Incident in Detail:

FELL ON ICE IN PARKING LOT SAYS HURT
BACK

What Part of the Body was Injured? (Example: left arm, right index finger...)

BACK

Nature of Injury (Example: contusion, laceration, strain, etc.)

UNKNOWN

Name of Any Witnesses: (Include contact information.)

Cause of Incident: (struck by, repetitive, slip, etc.)

SLIP

Was merchandise involved? ☐ Yes ☒ No If so, preserve the merchandise and await direction from Risk Management

Did Customer Seek Medical Treatment? If so, where?

UNKNOWN

Called In By:

PAULA KIKORE

Title:

KEY HOLDER

Date:

1/4/20

Report Prepared By:

PAULA KIKORE

Title:

KEY HOLDER

Date:

1/4/20

Signature:

Paula Kikore

Risk Management Phone Number: 1-800-456-9446.

Scan & Send incident forms to Risk Management immediately.

759 TIMES

JAMES COBINS
(816) 718-0736

5537 HUNTER TERRANCE

Raytown MO.

64/33

WEARING BLACK TENNIS SHOES

REPORT #

DG1777 9210102001

GIRL CAME TO ME SAID
SHE CAME IN SAME TIME
AS HIM! HE DID NOT FALL
SHE SAID CHECK PARKING VIDEO
AND YOU CAN CALL HER
HER NAME

TAMARA BELL

816 486-4888